

ROBIN COOPER ON THE STAND TELLS OF THE SHOOTING

Young Man Charged With Murder of Senator Carmack Makes Good Witness--State Decides Not to Use Other Witnesses at This Time

(By the Associated Press.)

Nashville, Tenn., Feb. 20.—This was the defense's day in the trial of Duncan B. Cooper, Robin J. Cooper and John D. Sharp, charged with the murder of former United States Senator Edward W. Carmack. Only one witness was examined, the boyish defendant, Robin J. Cooper, and he made a splendid witness.

When court opened it was expected that the State would offer one or more of its missing witnesses. At least three arrived last night but the Attorney General decided either not to use them at all, or to save them for his big conspiracy fight in rebuttal. Both sides seemed sparring for time at the opening of the day's session. Finally the State's attorney appeared. Then the defense asked for thirty minutes indulgence and took an hour and a half. It was presumed that a conference was on but in reality the time was required that an X-ray photograph might be taken to learn if the bullet, which Robin Cooper received in the shoulder, was still there.

Dr. Fort thought it was and so testified. However the day after the shooting Robin Cooper found a bullet in the bed near his knees at the St. Thomas Hospital. It was a 38-calibre bullet. The gun found near Senator Carmack's body with two empty shells is a 38-calibre.

The defense evidently wanted to be sure that the X-ray showed no bullet in Robin's shoulder before they produced the missile found in the boy's bed. It is thought the State has interesting theory that the revolver found near Carmack's body was not the one forced upon the dead editor by one of his staff a few hours before he was shot. The one picked up is a blue steel 38-calibre. Col. Cooper's revolver secured a day or two later is a nicked 38-calibre and apparently had never been discharged.

Young Cooper on Stand.

As soon as the X-ray plate had been developed and disclosed no trace of a bullet the defense announced readiness and called young Cooper to the stand. The boy is a slender, erect, clean cut, high bred type of a young man. His features are delicate, almost feminine but he carries himself in an erect and manly fashion and there is nothing effeminate in his manner. His voice is soft and well cultivated, he speaks slowly, almost with a drawl. He answered every question with a deliberateness and caution that at times seemed to exasperate his counsel, Judge Anderson, and put him in the light of an unwilling witness. But there is no doubt that his evident sincerity and disinclination to take advantage of a situation made a very strong impression on both jury and spectators.

His cross examination was postponed until Monday when it will consume probably most of the day.

He said that he practiced law in the office of his uncle, James Bradford, and that on November 9, the day of the Carmack shooting, his father called at Bradford's office in the forenoon. Young Cooper, who gave his age as 27, referred to his father as "papa."

"Papa told me," he testified, "he was afraid he was going to have trouble with Mr. Carmack."

After a long argument of counsel, Cooper was allowed to explain such parts of this conversation as had been previously testified to by Miss Lee, who said she overheard parts of the conversation. The witness continued, speaking of his father:

"He said he was afraid of trouble. I asked him why. He said, in substance, that Mr. Carmack in his paper had been printing editorials attacking his character and, as he put it, shooting poisoned arrows. He said it was becoming unendurable. He said he had seen Mr. Craig the night before and told him to tell Carmack that he must cease using his name in his paper. He said Mr. Craig returned and said he had seen Carmack, but Carmack would agree to nothing."

"As I remember it, Mr. Craig said to papa that Carmack was in a vicious humor or mood."

Again Warned Carmack.

Robin said his father also told Craig to tell Carmack that "unless he ceased using his name the town was not big enough to hold them both."

"I was greatly worried," the witness continued, "and I said I believed my uncle could bring influences to

bear to show Carmack the injustice of his course. It was then that papa said: 'He had no right to use my name and I have a right to protect myself.'"

The defense attempted to get in testimony by Robin Cooper tending to show that Colonel Cooper's waiting for Carmack the day of the killing was merely to protest against the use of the Cooper's name in the paper, but this testimony was ruled out.

Then Judge Anderson in an impassioned plea frankly admitted why this evidence was essential. The court was unmoved.

Robin said after his talk he telephoned his sister, Mrs. Burch, for the purpose of getting her to find his father and keep him off the streets.

"Why did you wish him kept off the streets?"

Feared a Meeting.

"I feared Mr. Carmack might have resented the message papa sent him and that there might be trouble."

"How old is your father?"

"He is 67 years old."

"And his physical condition?"

"His right hand is crippled, the two smaller fingers of the hand are bent and cannot be moved."

"What did you do then?" asked Cooper's counsel, again taking up Robin's movements during the morning.

"I went out and looked for papa but failed to find him. I returned to my office and telephoned Governor Patterson to ask him if he knew about the trouble."

"Did you get a pistol that day?"

"I did. I got it from my uncle, Robin Jones. I called him up and asked him if he had one. My purpose in getting it was this: From what papa said, from telephone conversations from the messages—"

"We object to his reasons," said State's Attorney General McCann.

"Well, the message father sent Carmack was very strong and knowing Carmack as I did, I feared he would resent it. I could not find papa. I knew he was on the streets so at noon my uncle brought me the automatic revolver. I determined to find my father, and if he must be on the streets, to stay near and protect him."

Robin testified he found his father and that he induced the latter to stay at the Maxwell hotel until 3 p. m. The witness meanwhile tried a case in court.

Didn't Hear Father Swear.

Robin said he did not hear his father using the violent language Miss Lee said she heard.

At 3 o'clock he again saw his father in Bradford's office.

"How long did you stay there?"

"Until father and I left."

"Where did your father say he was going?"

"To the mansion to see Governor Patterson."

"Why was he going there?"

"To meet Governor Patterson and Mr. Mustin Cooley, at Governor Patterson's request."

"Who told your father that Governor Patterson wanted to talk to him?"

"General Tully Brown."

"Did your father want you to go along?"

"He did not."

"Why?"

"He did not apprehend any trouble as it was thought it was in process of settlement. He did not apprehend that he would meet Carmack."

"Had you received any information at to what was the result of the conference in Bradford's office which closed at 4 p. m.?"

"Yes, papa had agreed to refrain from sending the note and to disregard the —"

The State's objection to finishing this sentence was sustained.

Witness detailed the walk from Bradford's office to the scene of the shooting. They stopped at a drug store, bought some soda water and walked on up the arcade.

"Papa spoke to several people on the way. I saw John Tyndall, the news boy, but neither of us said anything about 'getting' any one."

"At the middle of the alley, intercepting the arcade, we met John D. Sharp."

"At the middle of the alley intercepting the Arcade we met John D. Sharp and Representative Matthews."

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We stopped and talked. I had not seen Mr. Sharp for a long time."

Witness said they walked on in the direction of the governor's mansion, Mr. Sharp accompanying them.

"Were you expecting to meet John Sharp that day?"

"We were not."

"When we got to Vine street or Seventh avenue, I saw Mr. Carmack down on Seventh avenue, near church street, a block away. I turned to Mr. Sharp and said: 'There comes Senator Carmack; don't let papa see him.' I whispered it, and then to papa I said: 'Let's hurry up, Papa.'"

Cooper Sees Carmack.

"When papa came up to me I got him by the arm and turned towards the governor's mansion. I began to hurry him and he pulled away, saying: 'What's the matter with you?' Then he turned and exclaimed: 'Say, is that Senator Carmack? Yes, I'll go over and talk to him now.'"

"I said, 'Oh, no, papa, you must not now.'"

"He said: 'I know Carmack; he knows me. There will be no trouble.' I let him go about twenty feet. I did not know what to do. Then I went over to him."

"If you believed his mission was peaceful, why did you go with him?"

"Because he was my father and I believed it was my duty to protect him as he was unable to protect himself."

"Did you believe Carmack knew of your father's changed attitude?"

"No, sir. I knew he did not. Father turned over and got on the sidewalk. I followed him, getting in between the two posts. Papa was on the sidewalk, I was in the street almost even with him."

"Senator Carmack was about to pass Mrs. Eastman and was putting his hat back on his head. Papa spoke to him as he was passing her without expecting to speak. Papa said: 'Senator Carmack,' and instantly the Senator drew his revolver. It came out instantly just like this."

The witness illustrated the motion. "It paralyzed me for a minute and I sprang toward papa as Carmack began to back towards the pole. As I jumped a shot exploded in my face. The bullet struck by neck tie and went into my shoulder. I went after my gun, which was in my overcoat pocket. The second shot went through my sleeve and entered the

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post. I slipped around the post and found Carmack aiming at me again."

"What did you do then?"

Fired Three Times.

"I began firing. I fired three times as fast as I could, leaning against the post with my left hand. I saw Carmack reel and fall and I quit firing."

"Why did you stop?"

"Because I saw that he was hit."

"Did your father say anything about a coward?"

"Yes, sir. As Carmack drew his revolver and got behind Mrs. Eastman he said something about a coward hiding behind a woman's skirts."

"Where was your attention centered?"

"On Carmack and father."

"Did you see a pistol in your father's hand up to the time Carmack began to shoot?"

"No, sir."

"Did your father say to Carmack 'Now you are here, we have the drop on you'?"

"No, sir. No such expression was used. The only expression was about a coward. The whole thing was over in a minute. I jumped ten feet before I was shot and I moved very quickly. Papa put his arm around me and led me away."

"Did any one fire a shot before Senator Carmack?"

"No, sir. Carmack fired two shots first and I fired three. That was all that was fired—five shots."

The witness then described his wounds and testified about the X-ray examination. Later his counsel asked:

"At the time you shot Senator Carmack did you not believe that your life was in danger?"

"I believed if I had not done so he would have killed me."

"I think in another instant he would have shot me again."

The witness denied ever having said to Charles H. Warwick that Carmack "ought to be dead and in hell twenty years ago."

After Robin Cooper had testified that he had known Senator Carmack for many years and had never "had aught but friendly feelings for the Senator." The defense announced that they were through questioning him and court adjourned.

The man who buys more machinery than he is willing to take care of will sooner or later be paying interest on a mortgage.

BANK OF CARTERET HAS CLOSED ITS DOORS

Overdrafts Caused the Trouble. With the Morehead City Institution--Depositors Are All Safe

(Special to News and Observer.)

Morehead City, N. C., Feb. 20.—The Bank of Carteret closed its doors this morning, posting a notice signed by the Board of Directors to the effect that being unable to realize on their securities the bank had been closed by order of the Corporation Commission, and that all depositors would be paid in full. There has been no excitement, the depositors being satisfied with the statement of the directors who are the leading business men of the community.

The Bank of Carteret, of Morehead City, was yesterday closed by J. K. Doughton, State Bank Examiner, under instructions and by authority of the North Carolina Corporation Commission, which has the oversight of State and private banks. The condition of the bank is such as to warrant it being said that all depositors will be paid in full. If every item of credit proves good then the stockholders will be safe, if not they will get about 50 cents on the dollar.

The order to close the bank was issued on Thursday after Mr. Doughton had reported its condition to the Corporation Commission. The order states that it appearing from the report to the Commission that the Bank of Carteret is insolvent, is conducting its business in an unsafe and unauthorized manner and jeopardizing the interests of depositors, that if the State Bank Examiner is authorized to take and retain possession of all moneys, assets and properties of the bank until a receiver can be appointed by the courts upon the application of the Commission.

The trouble with the bank, from the report made by Mr. Doughton to the Commission, is that the amount of overdrafts, these unsecured, the small amount of cash on hand, and an apparent shortage in cash put the bank in such a condition that it was unable to meet its liabilities. This being the case it was closed and is now in the hands of Mr. Doughton until a receiver can be appointed. The overdrafts, unsecured amounted to \$9,771.34, and of this amount nearly \$6,000 was on overdrafts by the president of the bank, Mr. R. W. Taylor.

The cash on hand in the bank amounted to \$1,439.40 all told and according to the reports of Mr. Doughton the cash was short \$513.10. As against this condition the deposits in the bank subject to check were \$17,375.54, time certificates of deposit \$5,910.00, bills payable \$10,000.00, dividends unpaid \$867.50, surplus fund \$3,768.38, due to banks and bankers \$4,293.08. The capital stock paid in is \$20,000.

The bank exhibits as its resources loans and discounts \$40,488.69, bankinghouse and fixtures \$7,786.15, cash \$1,439.40. Other items are the overdrafts of \$9,771.34, unsecured \$1,458.84, due from banks and bankers, not good collateral, \$346.92 in cash items, not considered good, with books short \$37.35 and cash short \$513.10.

The cause of the closing of the bank is said to be the overdrafts of \$9,771.34, of which nearly \$6,000 is to President R. W. Taylor. If this amount could have been turned into cash it is very probable that the bank would have continued its existence. In the overdrafts there is \$18.00 against one director and \$370.00 against another, while various items run up the total to what is considered the danger line. The depositors are secured by the loans and discounts and of the overdrafts, cash items, cash short, due from banks and bankers are found good then the stockholders will be safe also.

The Bank of Carteret was organized in 1903, with a capital of \$20,000. The president is R. W. Taylor, vice-president, J. B. Morton, cashier, C. V. Webb; Board of Directors, R. W. Taylor, J. B. Morton, C. S. Wallace, J. D. Webb, W. L. Arendell, S. W. Wade, L. L. Leary, W. S. Bell, Jr., and N. W. Taylor.

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